

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.33133 OF 2013

Date: 19.11.2018

Between:

M/s. Vamshadhara Paper Mills Limited, A company incorporated
Under the Companies Act, 1956 having its Regd. Office at
Madapam (village & Post), Narasannapet Mandal, Srikakulam,
Rep.by its Managing Director, R.Rajendran.

.....Petitioner

and

Eastern Power Distribution Company of Andhra Pradesh Limited,
P & T Colony, Seethammadhara, Visakhapatnam, rep.by its
Chairman and Managing Director and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner is the consumer of the 1st respondent and availing power supply for their unit situated in Madapam Village, Srikakulam district vide consumer number SKL044. The 4th respondent in order to restrict usage of consumption of power by industrial consumers and to address shortage of power compared to demand, issued restriction and control measures vide order dated 07.09.2012. By further orders dated 01.11.2012 enhanced the penalties from 5 times of normal tariff to 7 times of normal tariff. As it was represented that due to high penalties, companies were unable to run their units, the 4th respondent vide orders in proceedings No.APERC/SECY/154/2013 passed on 8.8.2013 waived 50% of penal charges for all consumers to whom R&C were made applicable. The same was to be adjusted towards future bills. The petitioner in totality paid a penalty of 47,63,327 on the allegation of violation of R&C along with bills for September, 2012, November 2012 and May 2013. According to the orders dated 8.8.2013 the petitioner was entitled for adjustment of 50% of the aggregate penalty which amounts to 23,81,663. Petitioner made several representations for adjusting the same towards future bills for the months of August, 2013 and September, 2013. His request was declined on the ground that his request would be considered only on receipt of working instructions from AP TRANSCO. It is alleged that petitioner's electricity supply was disconnected on the ground that he did not pay full amount demanded in the bill for the month of September 2013. He had to pay additional penalty for

restoration of the same. The petitioner has paid the bill for the month of October 2013, which amounted to 1,09,53,875 after adjusting the 50% of the amount already paid as penalty, which was liable to be adjusted.

2. This writ petition is filed praying to declare the action of Respondents 1 to 3 in not adjusting 50% of the penalty collected against future bills as illegal, arbitrary apart from being violative of petitioner's rights guaranteed under Articles 14 and 19 (1) (g) of the Constitution and consequently direct Respondents to accept adjustment of 50% of the penalty made by the petitioner while paying the October, 2013 month bill and not to take any coercive steps against the petitioner including disconnection of power supply.

3. This Court passed interim orders on 20.11.2013 in W.P.M.P.No.41219 of 2013 directing the respondents 1 to 3 to adjust 50% of the penalty amount paid by the petitioner towards future monthly bills to be paid by the petitioner till the review petition filed by the Respondents against the orders dated 8.8.2013, passed by the 4th respondent is disposed. It is further ordered that if the review was allowed, the petitioner would have to pay regular bills.

4. The Court is informed that no decision is made withdrawing the 50% waiver of penal charges granted on 08.08.2013. That being so, respondents are directed to adjust 50% of the penalty amount paid by petitioner as part of Restriction and Control (R&C) measures and penalties imposed thereon from out of the bills payable by petitioner, if not already adjusted. The Writ Petition is

accordingly disposed of. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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